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JAN 25 2005

DIRECTOR OFFICE
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In re Application of: Sadek, et al.)
Application No. 09/869,205)
Attorney Docket No. W1028.145-US-01) DECISION ON PETITION TO
Filed: September 17, 2001) WITHDRAW HOLDING OF
For: MODEL AND METHOD FOR USING) ABANDONMENT UNDER 37 CFR
AN INTERACTIVE RATIONAL AGENT,) §1.181
MULTIAGENT SERVER AND SYSTEM)
IMPLEMENTING SAME)

This is a decision on the petition, filed December 13, 2004, requesting the Withdrawal of the Holding of Abandonment of the above-identified application, which has been treated as a petition under 37 CFR §1.181. The application was abandoned for failure to file a timely response to the Office action mailed on April 23, 2004. A Notice of Abandonment was mailed November 26, 2004.

In support of the petition, Petitioner provides a copy of (1) an amendment filed in response to the Office action of mail date April 23, 2004 and three separate checks (one for filing an IDS, one for extra independent claims and one combined check to cover both a 3-month extension of time and an undetermined amount of claims in a National Stage application). The Office records show each of the checks was processed on October 15, 2004. Further, Petitioner provided a postcard with a PTO stamp indicating receipt at the USPTO on October 12, 2004 of the aforementioned items. Petitioner has also noted the confirmation of abandonment stated in an interview with the examiner was made by an attorney not of record. In any event, the fact that the amendment was timely filed negates the actions taken by the examiner in accordance with the interview. The Office regrets any inconveniences this may have caused the applicant.

Petitioner has established that a response was filed on October 12, 2004 with the requisite fees for a 3-month extension of time necessary for the response to be considered timely.

M.P.E.P. § 503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Accordingly, the petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

SN 09/869,205
Decision on Petition

The application is being forwarded to the Technology Center support staff for processing. After processing, the application will then be forwarded to the Examiner for appropriate action.

Pinchus M. Laufer

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